

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES

TELEPHONES

TELECOMMUNICATIONS SERVICE PROVIDERS

PROPOSED NEW RULES: N.J.A.C. 14:10-11

Authorized By: Board of Public Utilities, Jeanne M. Fox, President

Calendar reference: See summary below for explanation of exception to calendar requirement

Frederick F. Butler, Carol J. Murphy, Connie O. Hughes, Commissioners.

Authority: N.J.S.A. 48:2-13 and 56:8-88.

BPU Docket Number: TX99040248.

Proposal Number: PRN

Submit comments by November 16, 2002 to:

Kristi Izzo, Board Secretary

Board of Public Utilities

Two Gateway Center

Newark, New Jersey 07102

or email your comments to: <mailto:Consumer.slammed@bpu.state.nj.us>

Summary

On May 25, 2000, the Board of Public Utilities (Board) amended the current rule for slamming.

The amendment was made in order to conform with changes made to Federal Communications

Commission (“FCC” or “Commission”) regulations. The rules reflect the directive of State legislation to adopt rules and regulations relating to telecommunications service providers (TSP) and are substantially in conformance with the rules set forth by the FCC. The liability rule herein proposed is intended to take the profit out of slamming and increase the incentives for authorized TSPs **to pursue legal and administrative remedies against slammers.** Where the customer has not paid the unauthorized TSP, the customer will be absolved of the obligation to pay for service for up to 30 days after being slammed. Where the customer has paid the unauthorized TSP, the rule requires the unauthorized TSP to pay 150% of the charges it received from the customer to the authorized TSP, which must, in turn, reimburse the customer 50% of the charges initially paid by the customer to the unauthorized carrier.

The rule as proposed, defines the term customer and authorized carrier; seeks to clarify the procedures for verification of change orders for telecommunications service providers; absolution procedures where the customer has not paid charges; the liability attached to telecommunications providers who switch customers without authorization; and the reimbursement procedures that follow.

The reimbursement procedure **would be** as follows:

In those instances where the customer has not paid charges to the unauthorized TSP, the customer is absolved of liability for up to 30 days. After 30 days, the customer is to pay the authorized TSP at the authorized TSP's rates which were in effect at the time of the unauthorized change.

An alleged unauthorized TSP has the right to challenge a customer's allegation of an unauthorized change and must notify the customer that **the unauthorized carrier must file a complaint with the Board to initiate an investigation as to the claim.** The Board or its designee (Staff) will then decide whether the customer was subject to an unauthorized change.

In those instances where the customer has paid charges, the Board or its designee (Staff) will direct or notify the unauthorized TSP to forward to the authorized TSP an amount equal to 150% of all charges paid by the customer and copies of bills issued from the unauthorized TSP to the customer. Within ten days of receipt, the authorized carrier shall provide a refund to the customer in the amount of 50% of all charges paid by the customer. The authorized TSP will send a notice to the Board Secretary and to the Director of Customer Assistance that the refund has been executed.

If the authorized TSP does not receive payment from the unauthorized TSP, the authorized TSP is not obligated to provide a refund to the customer. It must, however, notify the Board, the Director of Customer Assistance and the customer within 45 days of receipt **of the notice from the Board or its designee (Staff)**, and notify the customer of his/her right to pursue a claim against the unauthorized TSP.

The rule also seeks to conform Board rules with other FCC actions, which include the following:

On August 15, 2000, the FCC issued an order specifying modifications and additions to its current slamming rule. The rule further clarifies the definition of customer, allows for electronically signed authorizations such as a letter of agency for selection of a presubscribed TSP and for primary TSP freezes, and adds standards for third party verification.

On February 22, 2001, the FCC issued an order instituting reporting requirements to identify TSPs that complaints were directed against, the number of valid complaints, the number of resolved complaints, and the number of slamming complaints filed in a given period of time.

On May 15, 2001, the FCC issued an order streamlining carrier-to-carrier sale or transfer of subscriber bases.

The proposal also seeks to incorporate in its rules, P.L. 1998 c. 82 § 4 which amends the State's slamming statute; N.J.S.A. 56:8-89.

The legislation directs state agencies to adopt rules and regulations relating to changes in TSP's that are consistent with federal law. The requirements include, among other things that state agencies establish procedures for a customer to confirm a change in telecommunications service provider made by another telecommunications service provider on behalf of the customer, establish procedures by which the new telecommunications service provider shall notify a customer of a change in a telecommunications service provider, and set forth methods for enforcing those rules and regulations.

Current Board regulations found in N.J.A.C. 14:10-11.7(c) require TSPs to apply for a waiver before executing carrier-to-carrier sales or transfers, this waiver procedure is no longer necessary and should be deleted.

As the Board has provided for a 60-day comment period on this notice of proposal, this notice is excepted from the rule making calendar pursuant to N.J.A.C. 1:30-3.3(a) 5.

Social Impact

The proposed rules are designed to prevent TSPs from switching a consumer's current TSP without their knowledge and consent. The rules require that the soliciting TSP furnish the consumer with enough information to allow the consumer to make an informed decision as to which TSP they will use. The proposed rules will therefore provide additional protections to all consumers of telecommunications services.

Economic Impact

The Board does not foresee any provision of the new rule that will create a negative economic impact on TSPs or the consumer. TSPs, however, that have been found to engage in the unauthorized switching of service will be caused to forward to the authorized TSP an amount equal to 150% of all charges paid by the customer and copies of bills issued from the unauthorized TSP to the customer. This is considered an appropriate measure to ensure that customers in New Jersey are adequately protected against slamming **and to provide a deterrent for TSP's not to engage in slamming.**

Federal Standards Analysis

Executive Order No. 27(1994) and P.L. 1995, c.65 (N.J.S.A. 52:14B-22 through 24) requires State agencies which adopt State regulations that exceed any Federal requirements to include in the rulemaking document a comparison with Federal law. The FCC adopted anti-slamming

rules.¹ The new rules proposed by the Board adopt the FCC rules and apply them to all transactions within the jurisdiction of the Board.

The Board has, in its adopted new rules, devised a verification mechanism for the TSP which requires that when a consumer initiates the change of telecommunications service provider, the new TSP must verify the change according to the process set forth in the rules. The new rule in many respects echoes the FCC rule, which streamlines the process involving carrier-to-carrier sale or transfer of subscriber bases.

The FCC has revised language in its Letter of Agency Form and Content section §64.1130 (e)(5) which is cross-referenced in the current Board rule under N.J.A.C. 14:10-11.3(b) v (5).

The new language states:

The subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber's preferred carrier.

The Board's rule currently has the following statement which places the burden of fee notification on the TSP. This language shall be continued.

That the customer understands that each change of a primary TSP selection the customer chooses may involve a charge to the customer. The customer is to be advised of the amount of the charge up to the maximum.

¹ See 47 C.F.R. § 1.108. The FCC adopted the new rules in the Third Report and Order, CC Docket No. 94-129, released February 22, 2001.

The proposal herein adopts the FCC's liability rules released on May 3, 2000 and made effective on November 28, 2000. These rules provide for the procedures that carriers must follow when customers allege slamming has occurred and also sets up the procedure for reimbursement similar to that of the FCC's.

The proposal also makes changes and additions to the current Board rules in conformance with FCC practice. These include revisions to add the allowance of electronically signed authorizations and conformance with FCC reporting practices. **In addition, this proposal includes adoption of the FCC definition of Authorized Carrier.**

The FCC, in its rule, under TSP liability for slamming, requires that the customer alleging an unauthorized change file a complaint with the Board within 30 days of either 1) the date of removal of charges from the complaining customers bill or (ii) the date the allegedly unauthorized TSP notifies the complaining customers of the requirements of this regulation whichever is later; and 2) a failure to file such a complaint within this 30 day time period will result in the removed charges being reinstated on the customers bill and, consequently the complaining customer will only be entitled to remedies for the alleged unauthorized change other than those provided for in N.J.A.C. 14:10-11.3(b) v (5). No allegedly unauthorized TSP shall reinstate charges to a customers bill pursuant regulation without first providing such customer with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30 day period.

In the interest of fairness to the slammed customer, the Board, through this proposal, is lifting the burden of filing the complaint by the customer alleging the unauthorized change and is placing the responsibility on the alleged unauthorized

carrier to file with the Board the notice of complaint and to present their response within 30 days of being notified by the customer, and to remove the charges from the customers bill pursuant to this subchapter until a determination is rendered by the Division of Customer Assistance. The Board believes this to be an appropriate course of action. The alleged unauthorized carrier, as part of its regulatory requirements, must prove the switch was in fact in accordance with existing rules.

The proposal herein also allows TSPs to acquire, through a sale or transfer, either part or all of another TSP's customer base without obtaining each customer's authorization and verification by complying with the FCC rules set forth at 47 C.F.R. §64.1120(e), as now constituted or as hereafter amended.

The proposal also provides that copies of letter notifications filed by TSPs with the FCC pursuant to 47 C.F.R. §64.1120(e) (1) and (2) should also be filed with the Board.

Jobs Impact

The proposed new rules are not anticipated to have any impact, either positive or negative, upon the number of persons employed in any sector of the economy.

Agriculture Industry Impact

The proposed new rules will not have any impact on the agriculture industry.

Regulatory Flexibility Analysis

Some resellers of telecommunications service may qualify as small business as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The majority of the requirements set forth in the rules, as described in the Summary above, are synonymous with the FCC rules respecting slamming. The cost of the requirements is discussed in the Economic Impact above. These requirements would not require the hiring of any professional services, and are not considered overly burdensome. No lesser requirements or exemptions from these requirements are provided for small businesses. The Board intends that these rules mirror the Federal requirements already applicable to all TSPs, and considers the requirements imposed to be the minimum necessary to provide adequate consumer protection when changing TSPs.

Open Space Impact

The proposed new rules are not anticipated to have any impact, either positive or negative, upon New Jersey's open spaces.

Smart Growth Impact

None

Full text of the proposed rules follows: (additions indicated in boldface **thus** and underlined; deletions indicated in brackets [thus]).

14:10-11.1 Definitions in the following words and terms used in this subchapter, shall have the following meanings:

“Authorized Carrier” means any telecommunications carrier that submits a change on behalf of a subscriber in the subscriber’s selection of a provider of telecommunications service with the subscriber’s authorization verified in accordance with the procedures specified in this subchapter.

[“Customer” means any person, authorized to make billing and service decisions regarding a telephone account. A person under the age of 18 does not qualify as a customer].

[The term] [c] “Customer” [is] means any one of the following:

- 1) **the party identified in the account records of the TSP as responsible for payment of the telephone bill;**
- 2) **any adult person (over the age of 18) authorized by such party to change telecommunications services or to charge services to the account; or**
- 3) **any adult person contractually or otherwise lawfully authorized to represent such party.**

14:10-11.3 Verification of change orders for telecommunications service providers

(a) (no change)

(b) (no change)

1. The submitting TSP has obtained the customer's written or electronically signed authorization in a form that satisfies the following requirements:

i. A TSP may use a letter of agency to obtain written or electronically signed authorization and or verification of a customer's request to change his/her primary TSP selection. A letter of agency that does not conform with this section is invalid for purposes of this subchapter;

ii. The letter of agency shall be a separate (or an easily separable) document or located on a separate screen or web page containing only the authorizing language described in (b) 1v below having the sole purpose of authorizing a TSP to initiate a primary TSP change. The letters of agency shall be signed and dated by the customer who subscribes to the telephone line(s) requesting the primary TSP change;

iii. The letter of agency shall not be combined on the same document, screen, or web page with inducements of any kind. For example, it cannot be used in combination with sweepstakes offerings, entries or boxes;

iv. (no change)

v. 1-5 (no change)

vi. (no change)

vii. (no change)

viii. (no change)

- ix. Letters of agency submitted with an electronically signed authorization must include the consumer disclosures required by §101(c) of the *Electronic Signatures in the Global and National Commerce Act. (Public Laws 106-229)(E-sign act).*
 - x. TSPs utilizing electronically signed letters of agency [should] shall employ encryption and/or other security measures in keeping with the best practices used for Internet transactions. TSPs [should] shall also provide notice to subscribers regarding the level of security that applies to the submission of such electronically signed letters of agency.
 - xi. A TSP shall submit a primary TSP change order on behalf of a subscriber within 60 days of obtaining a written or electronically signed letter of agency.
 - xii. Letters of agency submitted with electronically signed authorizations shall comply with all relevant provisions of the Electronic Signatures in the E- sign Act and the Uniform Electronic Transactions Act, N.J.S.A. 12A:12-1 et seq.
2. (no change)
3. (no change)
- i. Methods of Third Party Verification. Automated third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of subparagraphs (ii)-(iv) of this paragraph are satisfied.

- ii. TSP Initiation of Third Party Verification. A TSP or a TSP's sales representative initiating a three-way conference call or a call through an automated verification system must drop off once the three-way connection has been established.
- iii. Requirements for Content and Format of Third Party Verification. All third party verification methods shall elicit, at a minimum, the identity of the customer; confirmation that the person on the call is authorized to make the TSP change; confirmation that the person on the call wants to make the TSP change: the names of the TSP's affected by the change; the telephone numbers to be switched; and the types of service involved. Third party verifiers may not market the TSP's services by providing additional information, including information regarding preferred carrier freeze procedures.
- iv. Other Requirements for Third Party Verification. All third party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with N.J.A.C.14:10-11.5 (d)1.i, submitting TSPs shall maintain and preserve audio records of verification of customer authorization for a minimum period of three years after obtaining such verification. Automated systems must provide customers with an option to speak with a live person at anytime during the call.

(c) (no change)

(d) (no change)

(e) **TSPs must provide customers the option of using one of the authorization and verification procedures specified in N.J.A.C. 14:10-11.3 (b) in addition to an optional electronically signed authorization and verification procedure under N.J.A.C. 14:10-11.3(b)1 .**

(f) **A TSP may acquire, through a sale or transfer, either part or all of another TSP's customer base without obtaining each customer's authorization and verification by complying with the Commission rules set forth at 47 C.F.R. §64.1120(e), as now constituted or as may hereafter be amended. Copies of letter notifications filed with the Commission pursuant to 47 C.F.R. §64.1120(e)(1) and (2) shall also be filed with the Board.**

14:10-11.5 Unauthorized Service Termination and Transfer (Slamming)

(a) (no change)

(b) (no change)

(c) (no change)

(d) (no change)

I. (no change)

i. (no change)

ii. (no change)

2. (no change)

(e) Reimbursement procedures and TSP liability for slamming shall be in conformance with Commission rules at 47 C.F.R. §64.1140, and §§64.1160 and 1170 as amended or supplemented, as follows:

TSP Liability for Slamming

1. Submitting TSP's Liability for Charges. Any submitting TSP that fails to comply with the procedures prescribed in this part shall be liable to the primary TSP in an amount equal to 150% of all charges paid to the submitting TSP by such customer after such violation, as well as for additional amounts as prescribed in paragraph 4 of this subsection. The remedies provided in this subsection are in addition to any other remedies available by law.
2. Customer Liability for Charges. Any customer whose selection of a Primary TSP is changed without authorization verified in accordance with the procedures set forth in N.J.A.C. 14:10-11.3 is liable for charges as follows:
 - i. If the customer has not already paid charges to the unauthorized TSP, the customer is absolved of liability for charges imposed by the unauthorized TSP for service provided during the first 30 days after the unauthorized change. Upon being informed by a customer that an unauthorized change has occurred, the recipient of the call, i.e. the authorized carrier, the unauthorized TSP, or the executing TSP, shall inform the customer of this 30-day absolution period. Any charges imposed by the unauthorized TSP on the customer for service provided

after this 30-day period shall be paid by the customer to the authorized TSP at the rates the customer was paying to the authorized carrier at the time of the unauthorized change in accordance with the provisions of paragraph 3 (v) of this subchapter.

ii. If the customer has already paid charges to the unauthorized carrier, and the authorized TSP receives payment from the unauthorized TSP as provided for in paragraph 1 of this subsection, the authorized carrier shall refund or credit to the customer any amounts determined in accordance with the provisions of paragraph 4(iii) of this subsection.

iii. If the customer has been absolved of liability as prescribed by this subsection, the unauthorized TSP shall also be liable to the customer for any charge required to return the customer to his or her properly authorized carrier, if applicable.

3. Absolution Procedures Where the Customer Has Not Paid Charges

i. This paragraph shall only apply after a customer has determined that an unauthorized change, as defined by N.J.A.C. 14:10-11.1, has occurred and the customer has not paid charges to the allegedly unauthorized TSP for service for 30 days, or a portion thereof, after the unauthorized change occurred.

ii. An allegedly unauthorized TSP shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred,

as defined by N.J.A.C. 14:10-11.1, from a customer's bill upon notification that such unauthorized change is alleged to have occurred.

iii. An allegedly unauthorized TSP may challenge a customer's allegation that an unauthorized change as defined by N.J.A.C 14:10-11.1 has occurred. An allegedly unauthorized TSP choosing to challenge such allegation shall immediately notify the complaining customer that: the unauthorized TSP is required to file the challenge with the Board within 30 days of the date of removal of charges from the complaining customer's bill in accordance with subsection (ii). The alleged unauthorized TSP may reinstate charges to a customer's bill which were removed pursuant to the provisions of subsection ii upon notice that an investigation was completed by the Division of Customer Assistance that determined the change was authorized.

iv. If it is determined after reasonable investigation that an unauthorized change, as defined by N.J.A.C. 14:10-11.1 has occurred, the Board or its designees will issue a notice indicating that the customer is entitled to absolution from the charges incurred during the first 30 days after the unauthorized TSP change occurred, and neither the authorized or unauthorized TSP may pursue any collection against the customer for those charges.

v. If the customer has incurred charges for more than 30 days after the unauthorized TSP change, the unauthorized TSP must forward the billing

information for such services to the authorized TSP, which may bill the customer for such services using either of the following means:

- (1) The amount of the charge may be determined by a re-rating of the services provided based on what the authorized TSP would have charged the customer for the same services had an unauthorized change, as described in N.J.A.C. 14:10-11.1, not occurred; or
 - (2) The amount of the charge may be determined using a 50% Proxy Rate as follows: Upon receipt of billing information from the unauthorized TSP, the authorized TSP may bill the customer for 50% of the rate the unauthorized TSP would have charged the customer for the services provided. However, the customer shall have the right to reject use of this 50% proxy method and require that the authorized carrier perform a re-rating of the services provided, as described in subparagraph (v)(i) of this section.
- vi. If the unauthorized TSP received payment from the customer for services provided after the first 30 days after the unauthorized change occurred, the obligations for payments and refunds provided for in this subsection shall apply to those payments.
- vii. If the Board or its designee determines after reasonable investigation that the TSP change was authorized, the TSP may re-bill the customer for charges incurred.

4. Reimbursement Procedures Where the Customer Has Paid Charges

i. The procedures in this paragraph shall only apply after a customer has determined that an unauthorized change, as defined by N.J.A.C. 14:10-11.1 has occurred and the customer has paid charges to an allegedly unauthorized TSP.

ii. If the Board or its designees had determined after reasonable investigation that an unauthorized change, as defined by N.J.A.C. 14:10-11.1, has occurred, it shall issue a notice directing the unauthorized carrier to forward to the authorized TSP the following:

(1) An amount equal to 150% of all charges paid by the customer to the unauthorized TSP; and

(2) Copies of any telephone bills from the unauthorized carrier to the customer.

A copy of the notice shall be sent to the customer, the unauthorized TSP, and the authorized TSP.

Compliance with the above does not preclude the Board from seeking additional administrative remedies where deemed appropriate.

iii. Within ten days of receipt of the amount provided for in subparagraph ii(1) of this paragraph, the authorized TSP shall provide a refund or credit to the customer in the

amount of 50% of all charges paid by the customer to the unauthorized TSP. The customer has the option of asking the authorized TSP to re-rate the unauthorized carrier's charges based on the rates of the authorized TSP and, on behalf of the customer, seek an additional refund from the unauthorized TSP, to the extent that the re-rated amount exceeds the 50% of all charges paid by the customer to the unauthorized TSP. The authorized TSP shall also send notice to the Board Secretary and the Director of Customer Assistance that it has given a refund or credit to the customer.

iv. If an authorized TSP incurs billing and collection expenses in collecting charges from the unauthorized TSP, the unauthorized TSP shall reimburse the authorized TSP for reasonable expenses.

v. If the authorized TSP has not received payment from the unauthorized TSP as required by subparagraph (ii) of this paragraph, the authorized TSP is not required to provide any refund or credit to the customer. The authorized TSP must, within 45 days of receiving the notice or decision as described in subparagraph (ii) of this paragraph, inform the customer, and the Director of Customer Assistance if the unauthorized TSP has failed to forward to it the appropriate charges, and also inform the customer of his or her right to pursue a claim against the unauthorized TSP for a refund of all charges paid to the unauthorized TSP.

vi. Where possible, the properly authorized TSP must reinstate the customer in any premium program in which that customer was enrolled prior to the unauthorized

change, if the customer's participation in that program was terminated because of the unauthorized change. If the customer has paid charges to the unauthorized TSP, the properly authorized TSP shall also provide or restore to the customer any premiums to which the customer would have been entitled had the unauthorized change not occurred. The authorized TSP must comply with the requirements of this paragraph regardless of whether it is able to recover from the unauthorized TSP any charges that were paid by the customer.

- (f) All investigation procedures shall be in conformance with FCC rules at 47 C.F.R. §64.1150, as amended or supplemented, as follows:

Procedures For Resolution of Unauthorized Changes in Primary TSP

1. Notification of Alleged Unauthorized TSP Change. When an executing or primary TSP is informed of an unauthorized TSP change by a customer, it must immediately notify both the authorized and allegedly unauthorized TSP of the incident. This notification must include the identity of both TSPs.
2. Referral of Complaint. Any TSP, executing, authorized, or allegedly unauthorized, that is informed by a customer or an executing TSP of an unauthorized TSP change shall direct the customer to the Board for resolution of the complaint. Nothing herein shall prevent an allegedly unauthorized TSP from not challenging the slamming allegation and from providing the customer with all relief to which the customer is entitled under this subchapter.

3. Notification of Receipt of Complaint. Upon receipt of an unauthorized TSP change complaint, the Board or its designee will notify the allegedly unauthorized TSP of the complaint and require the TSP remove all unpaid charges from the customer's bill pending a determination of whether an unauthorized change, as defined by N.J.A.C. 14:10-11.1, has occurred, if it has not already done so.

4. Proof of Verification. Not more than 30 days after notification of the complaint, the alleged unauthorized TSP shall provide to the Board or its designee a copy of any valid proof of verification of the TSP change. This proof of verification must contain clear and convincing evidence of a valid authorized TSP change, as that term is defined in this section. The Board or its designee will determine whether an unauthorized change, as defined by N.J.A.C. 14:10-11.1, has occurred using such proof and any evidence supplied by the customer. Failure by the submitting TSP to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation.

[(g) Each TSP authorized to provide telecommunications service in New Jersey shall submit to the Board and the Division of Customer Assistance three copies of a report of all slamming complaints received, and the resolution thereof indicating the customers' name, address, telephone number, the type of service that was slammed, and the submitting TSP or agent that requested the alleged unauthorized switch of the customer's primary TSP.]

1. Applicability. Each TSP authorized to provide telecommunications services in New Jersey shall submit to the Division of Customer Assistance three copies of the slamming complaint report form identified in Appendix 1.

2. Semiannual Reporting Requirement. By Each February 15 the report shall cover the preceding period between July 1 and December 31. Each August 15 the report shall cover the preceding January 1 through June 30. Reporting shall commence on August 15, covering the effective date of this requirement, through June 30 of the following year. Reports filed on February 15, shall cover the period between July 1 and December 31.

3. Each TSP authorized to provide telecommunications services in New Jersey shall, upon request and quarterly, submit to the Board and the Division three copies of a report of all slamming complaints received, and the resolution thereof indicating the customers' name, address, telephone number, the type of service that was slammed, and the submitting TSP or agent that requested the alleged unauthorized switch of the customer's primary TSP.

14:10-11.6 Primary TSP Freezes

(a) (no change)

(b) (no change)

(c) (no change)

(d) (no change)

1. (no change)

2. (no change)

3. (no change)

4. (no change)

I. (no change)

(1) (no change)

(2) (no change)

ii. (no change)

(1) The TSP responsible for the imposition or lifting of primary TSP freezes has obtained the customer's written **or electronically** [and] signed authorization in a form that meets the requirement of subsection (d)4iii below:

(2) (no change)

(3) (no change)

iii. A TSP responsible for the imposition or lifting of primary TSP freezes may accept a customer's written [and] **or electronically** signed authorization to impose a freeze on his or her primary TSP selection. Written authorization that does not conform with this section is invalid and shall not be used to impose a primary TSP freeze.

(1) (no change)

(2) (no change)

(A) (no change)

(B) (no change)

(C) (no change)

5. (no change)

i. A TSP responsible for the imposition or lifting of primary TSP freezes shall accept a customer's written [and] **or electronically** signed authorization stating her or his intent to lift a preferred TSP freeze; and

ii. (no change)

14:10-11.7 Investigations

(a) (no change)

(b) (no change)

[(c) No waiver granted to a TSP by the Commission of any duty or obligation imposed by 47 C.F.R. Part 64, Subpart K shall apply to intrastate telecommunications services without the prior written approval of the Board.

Requests for such approval shall comply with N.J.A.C. 14:1-5, and shall be filed within 30 days of the Commission's grant of the waiver, with two copies of the approval request sent to the Division.]

